

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Kikukatsu ITO :  
Serial No. NEW : **Attn: APPLICATION BRANCH**  
Filed September 29, 2003 : **Attorney Docket No. 2003\_1386**  
**PLANT THERMOGENIC GENES AND PROTEINS**  
**(Rule 1.53(b) Divisional of Serial No. 10/009,962,**  
**Filed January 23, 2002)**

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of ☒ the references listed on attached form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 10/009,962.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

- 1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

- (1) ☐ the certification of paragraph 2 below is provided, **or**  
(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

- 1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and  
the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

- a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or  
b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page ,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Kikukatsu ITO

By Warren M. Cheek, Jr.  
Warren M. Cheek, Jr.  
Registration No. 33,367  
Attorney for Applicant

WMC/dlk  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
September 29, 2003

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: September 29, 2003

ATTY DOCKET NO.  
2003\_1386SERIAL NO.  
NEWAPPLICANT  
Kikukatsu ITOFILING DATE  
September 29, 2003

GROUP

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	AG	9632483	10/1996	WO				
	AH							

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AI	Ito, K., "Isolation of two distinct cold-inducible cDNAs encoding plant uncoupling proteins from the spadix of skunk cabbage ( <i>Symplocarpus foetidus</i> )", <i>Plant Science</i> , December 1999, Vol. 149, No. 2, pp. 167-173.
	AJ	Ito, K. "A cold-inducible gene encoding uncoupling protein in thermogenic plant species" <i>Cryobiology and Cryotechnology</i> , December 1999, Vol. 45, No. 2, pp. 43-46.
	AK	Ricquier, D. et al., "The uncoupling protein homologues: UCP1, UCP2, UCP3, StUCP and AtUCP", <i>Biochem. J.</i> , 2000, Vol. 345, No. 2, pp. 161-179.
	AL	Watanabe, A. et al., "AtUCP2: a novel isoform of the mitochondrial uncoupling protein of <i>Arabidopsis thaliana</i> " <i>Plant Cell Physiol.</i> , November 1999, Vol. 40, No. 11, pp. 1160-1166.
	AM	Maia I.G. et al., "AtPUMP: an <i>Arabidopsis</i> gene encoding a plant uncoupling mitochondrial protein", <i>FEBS Letter.</i> , 1998, Vol. 429, pp. 403-406.
	AN	Laloi, M. et al., "A plant cold-induced uncoupling protein", <i>Nature</i> , 1997, Vol. 389, pp. 135-136.

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.